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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,167	08/07/2003	Silvio Lupo	36020364 US02	3595
57299	7590	10/17/2007	EXAMINER	
Kathy Manke Avago Technologies Limited 4380 Ziegler Road Fort Collins, CO 80525			NGUYEN, PHILLIP	
			ART UNIT	PAPER NUMBER
			2828	
			NOTIFICATION DATE	DELIVERY MODE
			10/17/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

avagoip@system.foundationip.com  
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<b><i>Office Action Summary</i></b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/636,167	LUPO, SILVIO
<b>Examiner</b>	<b>Art Unit</b>	
	Phillip Nguyen	2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 09 July 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 9 and 10 is/are allowed.

6)  Claim(s) 1,3 and 5-7 is/are rejected.

7)  Claim(s) 2,4 and 8 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 7/9/2007 have been fully considered but they are not persuasive.

Applicant argues that McMinn teaches the laser sources (laser diode bars 36) are placed within grooves 34 that are cut into the top of a (separate) substrate 32. Thus McMinn does not disclose a laser source mounted on the same general plane of extension as the auxiliary electrical component. Examiner respectfully disagrees with this because the claim fails to specify the laser source as a single laser diode. Therefore, the whole laser array 30 is considered as a laser source which apparently is mounted on the same general plane of extension of the submount.

Applicant further argues that "McMinn fails to discloses an auxiliary electrical component that is mounted so that "longest dimension ... is at least substantially orthogonal to said general plane of said submount." Fig. 3C clearly shows that the longest dimension of the auxiliary electrical component 149 is substantially orthogonal to the general plane of the submount. There is no point to bring up the discussion on this issue.

The rejection is repeated as follows:

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by

McMinn et al (US 5,734,672).

Regarding claim 1, Figure 3(3 illustrates a laser source arrangement including a laser source (30), an auxiliary electrical component (149), as illustrated the laser source and auxiliary electrical component are mounted onto a general plane submount (148), where the longest dimension of auxiliary electrical component (149) is orthogonal to the general plane of the submount.

Regarding claim 3, Figure 3C illustrates the laser source having a lasing direction and illustrates the auxiliary electrical component displaced laterally.

Regarding claim 7, Figure 3A illustrates the laser source arrangement also including a PCB, which will inherently provide an electrically conductive area or pad for the laser source (30) and the auxiliary electrical component (149).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5 is rejected under 35 U.S.C 103(a) as being unpatentable over McMinn et al (US 5,734,672). McMinn et al discloses the claimed invention except for said at least one auxiliary electrical component being mounted onto said submount by means of conductive glue.

However, it is notoriously well known to attach lasers and electrical components to the PCB by use of conductive glue or adhesive such as solder, as implied by McMinn et al in column 5 lines 1-5.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McMinn et al (US 5,734,672) in view of Lee et al. (US Patent No. 5854867). McMinn et al discloses the claimed invention except for the auxiliary electrical component being in a form of an SMD component. Lee discloses in Fig. 1B a mounting arrangement with a laser source 22, a submount 6, and an auxiliary component 32 associated with the laser source. It would have been obvious to the one having ordinary skill in the art at the time the invention was made to provide the electrical auxiliary component being in a form of SMD as taught by Lee in order to replace the component easily in case it fails to work in the future.

*Allowable Subject Matter*

5. Claims 2, 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-10 are allowed.

***Communication Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Nguyen whose telephone number is 571-272-1947. The examiner can normally be reached on 9:00 AM - 6:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY, can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phillip Nguyen/

AU 2828

